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LELAND STANFORD JUNIOR UNIVERSITY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

| | | |
|-----------------------------------|---|---------------------------------------|
| JAMES LEE STEWART, an individual, |) | CASE NO. C07 04061 RS |
| |) | |
| Plaintiff, |) | DECLARATION OF CAROL C. COPSEY |
| |) | IN SUPPORT OF REPLY TO LACK OF |
| vs. |) | OPPOSITION TO DEFENDANT'S |
| |) | MOTION TO DISMISS FOR FAILURE |
| LELAND STANFORD JUNIOR |) | TO STATE A CLAIM UPON WHICH |
| UNIVERSITY, |) | RELIEF CAN BE GRANTED |
| |) | |
| Defendant. |) | Date: September 15, 2008 |
| |) | Time: 9:00 a.m. |
| |) | Courtroom: 8, 4 th Floor |
| |) | Judge: Hon. James Wave |

I, CAROL C. COPSEY, declare as follows:

1. I am attorney of record for Leland Stanford University ("Stanford") and have personal knowledge of the facts stated herein, or if stated on information and belief, I am informed and believe them to be true. I am competent to testify thereto if called upon to do so, and if stated on information and belief, am informed and believe them to be true.

2. As of the date of this Reply, Plaintiff James Stewart ("Stewart") has not served any Opposition in response to Stanford's Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted. I have checked the website for the U.S. District Court Northern District of California, which reflects that Stewart has also not filed any such Opposition in this Court.

1 3. The hearing for this Dismissal reply is set for hearing for September 15, 2008.
2 Before setting the hearing date, on May 12, 2008, I notified Plaintiff's counsel, Steven D.
3 Zavodnick, that the Court's next available civil motion hearing date was September 8, 2008.
4 Attached hereto as Exhibit A is a true and correct copy of my email to Mr. Zavodnick reflecting
5 this, and I also called Mr. Zavodnick and left the same message on his voicemail. I asked
6 Stewart's counsel to notify me of his next available court civil motion hearing date if Stewart's
7 counsel was not available on the first available court date. (See Exhibit A). Stewart's counsel
8 called me and selected a date for hearing, September 15, 2008, that was later than the first
9 available date for the Court, because earlier dates were inconvenient for his schedule.

10 4. Stanford's Dismissal Motion was filed in May 16, 2008. Stewart has had over
11 three months' time within which to prepare his Opposition. I also met and conferred with
12 Stewart's counsel on the substantive legal issues even prior to filing of Stanford's Dismissal
13 Motion.

14 I declare under penalty of perjury that the foregoing is true and correct. Executed this 29
15 day of August, 2008, in San Francisco, California.

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19 CAROL C. COPSEY
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Exhibit A

Carol Copsey

From: Carol Copsey
Sent: Monday, May 12, 2008 4:18 PM
To: 'Steven D. Zavodnick'
Subject: Motion to dismiss - hearing dates, Stewart v. Stanford

Stewart v. Stanford

Hi Steve,

Please let me know if you are not available for September 8, 2008 at 9am for hearing on Defendant's Motion to Dismiss. According to the Court's website today, that is the next available civil motion hearing date. If you are not available September 8, 2008 at 9am, please let me know the nature of the schedule conflict and confirm your availability for September 15, 2008, 9am, or if that is not available, September 22, 2008, 9am.

If I do not hear back from you, I will set the hearing on the Motion to Dismiss for September 8, 2008 at 9am. I have also left a voicemail for you to this same effect. Please call me with any question.

Thank you for your attention to this! Carol